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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,436	08/09/2006	Douglas P. Zittel	1312US4	9138
25279 7590 07/06/2009 GRACO MINNESOTA INC PO BOX 1441 MINNEAPOLIS, MN 55440				
EXAMINER				
NGUYEN, DINH Q				
ART UNIT		PAPER NUMBER		
3752				
MAIL DATE		DELIVERY MODE		
07/06/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/532,436

**Applicant(s)**

ZITTEL ET AL.

**Examiner**

Dinh Q. Nguyen

**Art Unit**

3752

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 8-11, 13 and 20-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 8-11, 13 and 20-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 7, 8, 10, and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaefer in view of Commette et al.

Schaefer discloses all the limitations of the claims except for retaining the seal cartridges in the ports by friction and the retaining ring. However, Commette et al. teaches a spray gun for fast setting plural component materials having opposed first and second seal cartridges 9 and 11, a barrel 41 that is friction fitted in the housing 1 and retained by sleeve 51 and screws 59. Therefore, it would have been obvious to one having ordinary skill in the art to configure the device of Schaefer with a way to retain the seal cartridges in the ports by friction and the retaining ring as suggested by Commette et al. Doing so would provide a way for ease of assemble and disassemble parts

With respect to claims 8, 21 and 22, Schaefer in view of Commette et al. teaches all the limitations of the claims except for the three seals and the hardened material of stainless steel, it would have been an obvious matter of design choice to a person of ordinary skill in the art to provide the device of Schaefer and Commette et al. with the three seals and the hardened material of stainless steel, because Application has not

disclosed that the three seals and the hardened material of stainless steel provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either claimed characteristics or the Schaefer and Commette et al. characteristics. Therefore, it would have been an obvious matter of design choice to modify the device of Schaefer and Commette et al. to obtain the invention as specified in claims 8, 21 and 22.

3. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaefer in view of Commette et al. as applied to claims 1, 7, 8, 10, and 20-22 above, and further in view of Keller.

Schaefer in view of Commette et al. teaches all the limitations of the claims except for a muffler in the gun body. However, Keller discloses a spray gun having a gun body 24 with a muffler 33 attached therein. Therefore, it would have been obvious to one having ordinary skill in the art to have provided the device of Schaefer and Commette et al. with a muffler as suggested by Keller. Doing so would provide a way to regulate air pressure within the spray gun (see column 3, lines 10+).

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schaefer in view of Commette et al. as applied to claims 1, 7, 8, 10, and 20-22 above, and further in view of Levy.

Schaefer in view of Commette et al. teaches all the limitations of the claims except for a one piece stem and a seal. However, Levy discloses a spray gun 10 for fast setting plural component materials having a fluid manifold body 12 and first and second

fluid valves that each having a one piece stem 54 and a seal 50 for sealing engaging the body 12 (see figure 3). Therefore, it would have been obvious to one having ordinary skill in the art to have provided the device of Schaefer and Commette et al. with a one piece stem and a seal as suggested by Levy. Doing so would provide a way for adjusting and controlling fluid flow.

5. Claims 13, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaefer in view of Commette et al. as applied to claims 1, 7, 8, 10, and 20-22 above, and further in view of Ten Pas.

Schaefer in view of Commette et al. teaches all the limitations of the claims except for a grease fitting. However, Ten Pas discloses a spray gun 10 for fast setting plural component materials having a purge air passage 256, and a grease fitting 44 (see figure 2). Therefore, it would have been obvious to one having ordinary skill in the art to have provided the device of Schaefer and Commette et al. with a grease fitting as suggested by Ten Pas. Doing so would provide a way to provide lubrication for the spray gun.

#### ***Response to Arguments***

6. Applicant's arguments filed March 20, 2009 have been fully considered but they are not persuasive in view of Commette et al., and furthermore friction retaining and threaded retaining are well known in the art and obvious to one skilled in the art, the purpose for easing an assembly/disassembly feature would dictate the methods for retaining.

7. Applicant's arguments with respect to claims 1, 8-11, 13, 20-24 have been considered but are moot in view of the new ground(s) of rejection.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinh Q. Nguyen whose telephone number is 571-272-4907. The examiner can normally be reached on Monday-Thursday 6:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on 571-272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dinh Q Nguyen/  
Primary Examiner, Art Unit 3752

dqn